

APPROVED minutes

DRAFT – prepared by the committee secretary
UNAPPROVED – signed off by the Senior Officer/Chair of the committee
APPROVED – formally approved by the committee



The University of Manchester

STAFFING COMMITTEE

3 November 2021

Present: Mrs Ann Barnes (Chair), Professor Danielle George, Mr Jatin Patel, Mr Robin Phillips and Professor Jim Warwicker

In attendance for all items: Professor Dame Nancy Rothwell (President and Vice-Chancellor), Patrick Hackett (Registrar, Secretary and Chief Operating Officer), Karen Heaton (Director of Human Resources), Adèle Mackinlay (Director of People and Organisational Development), Sara Sawicki (Employment Solicitor), and Sally Ainsworth (Governance Manager) (minutes).

The Chair welcomed Jatin Patel and Jim Warwicker (as Board members) and Adèle Mackinlay (as Director of People and Organisational Development) to their first meeting of the Staffing Committee.

1 Declaration of Interests

Noted: that there were no declarations of interest in relation to the agenda.

2 Minutes of the Previous Meeting:

Agreed: to approve the minutes of the 22 September 2021 meeting, subject to a minor amendment.

3 Matters Arising

Noted: none were reported

4 Terms of Reference

Received: a copy of the Committee Terms of Reference

Noted:

- i. The Terms of Reference were noted, and it was acknowledged that they are currently under review, as a result of the Halpin Governance Review recommendation to widen the remit of Staffing Committee.
- ii. It is proposed that the Committee will oversee the People and Organisational Development Strategy, and look at all elements of the employee lifecycle. Discussions were held as to the possibility of including EDI elements; looking at the

membership of the Committee in terms of staff in attendance, and potentially including talent management as part of the Committee's remit.

- iii. Some amendments may necessitate some updates to the University's governing instruments.
- iv. The Director of People and Organisational Development will collate all proposed amendments and bring them back to the Committee for discussion at a future date.

5 Report from the President and Vice-Chancellor on fixed term employees and those on open ended contracts with finite funding

Received: a report requesting Staffing Committee to consider a report from the President and Vice-Chancellor on fixed term employees and those on open ended contracts with finite funding

Noted:

- a) The following reasons for the proposed redundancies were reported:
 - i. The Fixed Term Employees Regulations (Prevention of Less Favourable Treatment) came into force in October 2002. One of the main provisions under these Regulations is the limitation on the use of successive fixed-term contracts and the right to open ended contractual status where the employee has been employed continuously for a prescribed period. The University introduced its Policy and Procedure on Contracts of Employment in January 2011, with the agreement of the Campus Trade Unions, to manage the level of fixed term contracts in use and to ensure that the number of transfers to open ended contracts does not create problems by their cost falling to baseline.
 - ii. It is therefore considered appropriate for the Staffing Committee as set out in Statute XIII, Part II and Ordinance XXIII to meet to consider those contracts at risk of termination due to redundancy for the period 1 July 2022 to 31 December 2022.
 - iii. The joint University/Trade Union Contracts Group meets every 3 months to consult collectively on the likely number of fixed term contracts and open ended contracts linked to finite funding that are due to come to an end within a defined period.
 - iv. The reasons for the proposed redundancies are the end of an individual's open ended contract where this is supported by finite funding which is likely to cease or where the specific project on which they are working is coming to an end; or the end of an individual's open ended contract where this is supported by finite funding which is coming to an end and exceeds four years in duration and where there is no objective justification to refuse converting the contract to open ended. It is important to note that it is likely that the employment of many of the staff affected will not, in fact, be terminated because there are a number of potential alternatives to this course of action. The total number of staff at risk in the period 1 July 2022 to 31 December 2022 is 350.
 - v. The University will explore opportunities for the avoidance of redundancy including:-
 - seeking redeployment opportunities within the University
 - retraining the individual where this is practical and reasonable
 - seeking an extension to the existing funding stream or to seek alternative sources of external fundingThe University will seek to avoid a dismissal by reason of redundancy until the actions listed above have been pursued.
 - vi. Consultations with School, Unit or Institute Boards are ongoing and generally occur every 3 or 4 months, and the Committee were informed as to when these consultations had taken place.

- vii. There is no impact envisaged on the workloads of the remaining staff because where funding ceases there is no requirement for the role/tasks to continue and in some cases a specific project will have come to an end.
 - viii. In line with the Contracts Policy and Procedure discussions are ongoing with individual members of staff and this will continue to occur at the appropriate trigger point ahead of the possible termination date of the individual's contract. The process of collective consultation with the trade unions is ongoing.
- b) During further discussion and challenge from Staffing Committee members, the following points were raised:
- i. that the Director of People and Organisational Development would investigate a query raised regarding academic contracts in the School of Medical Science data, as to why there were so many more staff at risk than in the other schools and report back to the Committee
 - ii. That the figures were very similar across other Russell Group Universities, and this was in fact a global issue across the sector
 - iii. That consideration would be given to including more data for future Staffing Committee meetings, including what the average length of contract for Post Doctoral Research Assistants and Principal Investigators at the University was, and what were their career destinations. It was uncertain if this level of data would be collated and available to share, but the Director of People and Organisational Development would investigate and feed back,
 - iv. That although annual appraisal and exit interviews would assist in gathering some of this data, neither process is mandatory amongst academics currently.

Agreed: having given full and proper consideration to the issues presented, to recommend to the Board of Governors that:

- i. it approves proceeding with the process outlined in the Contracts Procedure to deal with those staff considered to be at risk on open ended contracts linked to finite funding for the period from 1 July 2022 to 31 December 2022;
- ii. the University continues to take all steps outlined in the report to avoid the need for redundancy wherever this is possible
- iii. that the Director of People and OD would look into the possibility of collating further data for consideration at future meetings of the Committee.

6) Report from the Director of Human Resources

Received: a report updating Staffing Committee on the Contracts Working Group and ongoing collective consultation with the Trade Unions; the implementation of the Contracts Policy and Procedure (CPP), and the number and nature of formal grievances, appeals and tribunal claims as a consequence of the implementation of the CPP.

Noted:

- a) the following items from the report were noted:
 - i. The Contracts Working Group (CWG) continues to meet two to three times per year and both parties continue to agree that this is an effective way of handling fairly the significant number of staff at risk. The trade unions have not raised any issues of concern. However attendance at the last few meetings has been inconsistent from the trade unions and this will be raised at the next meeting. This is the formal

mechanism for the University to consult on compulsory redundancies under the Contracts of Employment Policy and Procedure.

- ii. No appeals or Employment Tribunal cases have been lodged since the last report in April 2021.
- iii. The percentage of staff being redeployed or extended with over four years' service has improved over the last reporting period from 77.8% to 83.3%. There has been a reduction in the numbers who have been redundant from 10.4% to 8%.
- iv. There are no further legislative changes planned which are likely to impact on the Contracts Policy and Procedure.

b) In response to comment and challenge from Staffing Committee members, the following assurances were provided:

- i. That for future meetings data will be provided for all staff at risk, and not just those who have more than four years' service.
- ii. Committee members wanted to note their concerns about the lack of representation at CWG by the trade unions.

7 Analysis of Equality and Diversity data

Received: A report presenting the equality and diversity outcome data by protected characteristic for the period 1 August 2020 to 31 July 2021 in relation to staff covered by the Contracts Policy and Procedure.

Noted:

- a) the following items from the report were noted:
 - i. As in previous years, women had better outcomes than the men. In terms of fixed term contracts, BAME staff were less likely to have their contracts extended or to be redeployed and more likely to have their contracts terminated.
 - ii. In terms of fixed term contracts with under 4 years' service, disabled staff were less likely to have their contracts extended or to be redeployed and more likely to have their contracts terminated.
 - iii. As in previous reports the numbers of staff declaring a disability is low and there is no obvious pattern.
- b) In response to comment and challenge from Staffing Committee members, the following assurances were provided:
 - i. That for future meetings data will be provided for all staff at risk, and not just those who have more than four years' service.
 - ii. There was a disparity between white and BAME staff whose contracts were terminated in this year's data. The Director of People and Organisational Development will investigate this to see if a trend can be spotted when compared to previous years.
 - iii. Visa and work permit issues can affect overseas staff to get subsequent jobs in the UK, which may also affect the data. Many of the researchers included in this data are from outside of the UK.

Agreed:

- a) The Director of People and Organisational Development will look at the data from these reports over the last four years to see if there are trends which can be further analysed, in particular looking at the disparity between white and BAME staff outcomes, or if the data this year was anomalous.

8 Observations from Lay Chairs of Appeal Panels : Update

Received: A report detailing the review of actions resulting from formal appeals processes.

Noted:

Formal procedures within the University take place under either the Disciplinary, Grievance, or Sickness Absence policy, and Statute XIII and related Ordinances. In the 2021/2022 Academic year this will be expanded to include the recently implemented Capability Procedure

[Redacted]

[Redacted]

[Redacted]

Redacted – restricted

information

A central register of actions can then be recorded within the HR Operations Team, and can be regularly monitored and reported against.

Agreed:

[Redacted]

[Redacted]

[Redacted]

Redacted – restricted information

9 Any other business

The Chair extended her thanks to Karen Heaton, who would be retiring at the end of November and noted that the Director's knowledge and understanding of the HR issues had been invaluable to the Committee and Governors over the years.

10 Next meeting

Noted: that the next scheduled meeting of Staffing Committee would be Wednesday 6 April 2022 11am, to be held via Zoom. An additional meeting is likely to be necessary prior to this, and members will be informed in due course.